

REMARKS

The present communication responds to the Final Office Action of July 25, 2007 in which the Examiner rejected claims 1-7, 9-17 and 22. Claims 1, 6, 7, 9-13 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 5,407,713 ("Wilfong et al.") in view of U.S. Patent 5,371,124 ("Cooke"). Claims 2-5 and 14-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wilfong et al. in view of Cooke as applied to claims 1, 6, 7, and 9-13, and further in view of U.S. Patent 6,178,832 ("Mathur et al.").

Claims 1, 3 and 22 have been amended. Claims 2, 7 and 10 have been cancelled. No new subject matter has been added to the claims. Support for the amended claims can be found in general throughout the specification and in particular, for example, at page 5, paragraph [014].

The claim rejections are traversed in view of the amendments and for at least the reasons articulated below.

Reconsideration is requested.

Rejection under 35 U.S.C. § 103

Wilfong et al./Cooke. Claims 1, 6, 7, 9-13 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wilfong et al. in view of Cooke.

Claims 7 and 10 have been cancelled.

Claim 1 has been amended *inter alia* to add the limitation previously set forth in claim 2, which recites that, "the plastic body is at least part of a container, the container being one of a group comprising ampoules, catheters or components of a fluid-handling system."

As noted in the Office Action, Wilfong et al. fails to disclose wherein the plastic body is at least part of a container, the container being one of a group comprising ampoules, catheters or components of a fluid handling system.

Cooke fails to remedy the fundamental disclosure of Wilfong et al. Cooke discloses a radiation resistant propylene polymer composition including a rosin material and a crystalline or

semi-crystalline propylene polymer material having a crystallinity as determined by X-ray diffraction of from 20 to about 90%.

Therefore, amended claim 1 is patentable over Wilfong et al. in combination with Cooke.

Claims 6, 9, 11-13 and 22 depend from claim 1 and are patentable for the same reasons and, further, in view of their additional recitations.

Reconsideration and withdrawal of the § 103 rejection of claims 1, 6, 9, 11-13 and 22 are requested.

Wilfong et al./Cooke/Mathur et al. Claims 2-5 and 14-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Wilfong et al. and Cooke, as applied to claims 1, 6, 7, and 9-13, and further in view of Mathur et al.

Claim 2 has been cancelled.

As stated above, amended claim 1 includes *inter alia* the limitations previously set forth in claim 2.

Additionally, claim 1 has also been amended to recite, “a first layer made of a stress fracture resistant plastic material, wherein the first layer is translucent, and wherein the first layer forms an outer layer of the plastic body, thereby forming a skin,” and furthermore, “at least a second layer, connected to said first layer, and made of a plastic material which exhibits a lower resistance to stress fractures than said first plastic material, wherein the stress fracture resistant plastic material of the first layer is semi-crystalline, wherein said first layer is thinner than the second layer, wherein the plastic material of the second layer exhibits a combination of a greater transparency to light from the visible spectrum, a greater mechanical stability, a greater dimensional stability and a lower permeability than the stress fracture resistant plastic material of the first layer.”

Wilfong et al. discloses multilayered barrier structures having a gas barrier layer of a non-chlorine containing organic polymer which is substantially impermeable to oxygen gas, and a moisture barrier layer of a mesophase propylene-based material. (*Wilfong et al.*, col. 4, lines

58-63). The moisture barrier layer 14 of Wilfong et al. includes a mesophase propylene-based material, such as mesomorphous polypropylene, mesopolymer blends, and/or mesocopolymers. (*Wilfong et al.*, col. 11, lines 17-20).

Wilfong et al., does not disclose that the first layer is translucent, that the first layer forms an outer layer of the plastic body, thereby forming a skin, or that the first layer is thinner than the second layer, wherein the plastic material of the second layer exhibits a combination of a greater transparency to light from the visible spectrum, a greater mechanical stability, a greater dimensional stability and a lower permeability than the stress fracture resistant plastic material of the first layer as recited in amended claim 1.

Cooke fails to remedy the fundamental disclosure of Wilfong et al. Cooke discloses a radiation resistant propylene polymer composition including a rosin material and a crystalline or semi-crystalline propylene polymer material having a crystallinity as determined by X-ray diffraction of from 20 to about 90%.

Mathur et al. fails to remedy the fundamental disclosure of Wilfong et al. in view of Cooke. Mathur et al. discloses that a reagent pouch may be constructed “by cutting two sides of a Reagent Pouch 136 out of a sheet of multilayer material,” and heat welding the two sides together. (*Mathur et al.*, col. 24, lines 41-44).

Mathur et al. does not disclose that the first layer forms an outer layer of the plastic body, thereby forming a skin, or that the first layer is thinner than the second layer, wherein the plastic material of the second layer exhibits a combination of a greater transparency to light from the visible spectrum, a greater mechanical stability, a greater dimensional stability and a lower permeability than the stress fracture resistant plastic material of the first layer as recited in amended claim 1, nor does it suggest how the combination of Willfong et al. and Cooke could be modified to meet every limitation of amended claim 1.

Therefore, neither reference alone or the asserted combination teaches or suggests or provides a reason or an expectation of success to a person having ordinary skill in the art to choose the elements as recited in amended claim 1 or the additional recitations of claims 3-5 and 14-17.

Reconsideration and withdrawal of the § 103 rejection of claims 3-5 and 14-17 are requested.

Conclusion


This response is being submitted on or before January 25, 2008, with the required fee of \$1,050.00 for a three-month extension of time, making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

This application now stands in allowable form, and reconsideration and allowance are requested.

Respectfully submitted,

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